

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
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PER. _____

DEPUTY CLERK

SHAKEEM CRAWFORD,

Petitioner,

vs.

M. RECKTENWALD, Warden,

Respondent.

Civil No. 3:13-CV-2727

(Judge Kosik)

MEMORANDUM AND ORDER

AND NOW, THIS 10TH DAY OF DECEMBER, 2013, IT APPEARING TO
THE COURT THAT:

(1) Petitioner, Shakeem Crawford, a prisoner confined at the Federal Correctional Institution, Allenwood, White Deer, Pennsylvania, filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. §2241 on November 5, 2013 (Doc. 1);

(2) In his petition, petitioner challenges a Federal drug trafficking sentence imposed by the United States District Court for the Northern District of West Virginia and raises a claim arising out of the District Court's finding that he was a career offender;

(3) The action was assigned to Magistrate Judge Martin C. Carlson for Report and Recommendation;

(4) On November 12, 2013, the Magistrate Judge issued a Report and Recommendation (Doc. 3) wherein he recommended that the petition be denied without prejudice to the petitioner's right to file a second or successive §2255 motion in the sentencing court;

(5) Specifically, the Magistrate Judge points out that petitioner previously set forth the claim raised in the instant petition in a petition to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, which was denied by the sentencing

court. Further, the Magistrate Judge indicates that petitioner's exclusive remedy to pursue the instant claim is not §2241, but §2255, since relief under §2255 would not be an ineffective or inadequate remedy;

(6) Petitioner has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(7) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C.A. §636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

(8) We have considered the Magistrate Judge's Report and we concur with his recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

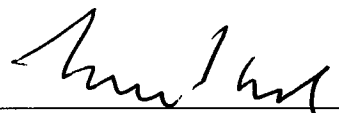
(1) The Report and Recommendation of Magistrate Judge Martin C. Carlson dated November 12, 2013 (Doc. 3) is **ADOPTED**;

(2) The Petitioner's motion for leave to proceed in forma pauperis (Doc. 2) is **GRANTED**;

(3) The Petitioner's petition for writ of habeas corpus is **DENIED** without prejudice;

(4) The Clerk of Court is directed to **CLOSE** this case and to forward a copy of this Memorandum and Order to the Magistrate Judge; and

(5) Based on the court's conclusions herein, there is no basis for the issuance of a certificate of appealability.



Edwin M. Kosik
United States District Judge